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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
UNITED STATES OF AMERICA,

RECEIVED
U.S. DISTRICT COURT
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Plaintiff,

vs.
GREGORY C. JONES,

Defendant.

MOTION GRANTED

No. 03-CR-20042-MI

JON PHIPPS McCALLA
U.S. DISTRICT JUDGE

Nov. 23, 2005

DATE

MOTION TO WITHDRAW AND APPOINT OTHER COUNSEL

COMES NOW T. Clifton Harviel, Appellate Counsel for Mr. Gregory C. Jones, and states unto the Court the following:

The family of Mr. Gregory C. Jones retained Mr. Harviel to represent Mr. Jones in the appeal of his sentence from the United States District Court to the Federal Court of Appeals for the Sixth Circuit. Mr. Harviel perfected that appeal and the case has been remanded for resentencing before this Court on Wednesday, January 25, 2006 at 9:00 o'clock a.m. During the pendency of the appeal, Mr. Jones filed a complaint with the Consumer Assistant Program, Board of Professional Responsibility of the Supreme Court of Tennessee. In his complaint, Mr. Jones alleged that Mr. Harviel had defrauded him of the fee charged for the direct appeal and asked that the Board order Mr. Harviel to refund that fee to Mr. Jones' family. After a written response from Mr. Harviel, the complaint was not pursued.

However, by making such an unwarranted attack on his Appellate

Counsel, Mr. Jones significantly damaged the attorney/client relationship. The complaint was not the only problem that Counsel experienced with Mr. Jones. Mr. Jones would also call Mr. Harviel's office as many as a dozen times a day. All of his calls were collect.

Considering the difficulties that Mr. Harviel experienced in representing Mr. Jones at the appellate level, he does not feel that the degree of trust necessary to facilitate an attorney/client relationship exists between himself and Mr. Jones. Therefore, he respectfully requests to be allowed to withdraw from the recent appointment as Counsel for the resentencing hearing.

Mr. Jones is in need of representation for his resentencing and Mr. Jones is unable to hire private counsel. Therefore, Counsel respectfully requests that this Court appoint other counsel from the CJA list to represent Mr. Jones. New Counsel can hopefully establish a proper attorney/client relationship with Mr. Jones, however, the attorney/client relationship between Mr. Jones and Mr. Harviel has been irreparably damaged.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully prays:

1. That Clifton Harviel be allowed to withdraw from the appointment as Counsel for Mr. Jones at his resentencing hearing and/or;
2. That this Court appoint other CJA Counsel to represent Mr. Jones and/or;

3. That this Court grant such other relief herein as truth dictates and justice demands.

Respectfully Submitted,

T. Clifton Harviel
T. Clifton Harviel (5589)
Attorney for Defendant
Suite 850
50 N. Front Street
Memphis, Tennessee 38103
(901) 543-9799.

Certificate of Service

I hereby certify that I have served a copy of the foregoing upon Ms. Lorraine Craig, Assistant United States Attorney, 167 N. Main Street, 8th Floor, Memphis, Tennessee 38103, this 22nd day of November, 2005.

T. Clifton Harviel
T. Clifton Harviel



Notice of Distribution

This notice confirms a copy of the document docketed as number 96 in case 2:03-CR-20042 was distributed by fax, mail, or direct printing on November 28, 2005 to the parties listed.

Lorraine Craig
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Honorable Jon McCalla
US DISTRICT COURT